Clearinghouse Review

NATIONAL CLEARINGHOUSE FOR LEGAL SERVICES, INC.

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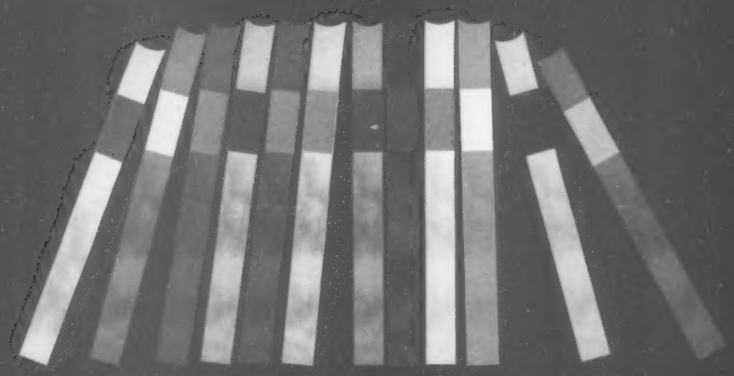
May 1993–April 1994



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Clearinghouse Review

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Vol. 27, Nos. 1–12 (May 1993–April 1994)

Edited by Edwin P. Abaya

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Preface

Entries on the subject of health predominate in this annual index to volume 27 (May 1993–April 1994) of the CLEARINGHOUSE REVIEW. Undoubtedly this reflects a national concern in a year when opportunities to get on a developing information superhighway also have enabled advocates to press their views more actively and before increasingly wider audiences.

In the last year the National Clearinghouse for Legal Services itself and its resources have become more accessible than ever with two more electronic addresses (CompuServe and Internet in addition to HandsNet). In turn the Clearinghouse can tap information even more quickly, too. For its publication, information gathering, and research activities the Clearinghouse, also in the last year, has converted to an open computer network—allowing it flexibly to use software and hardware from different sources.

This index is the first one to be prepared entirely on the new system. Putting entries under the appropriate headings and sorting them all can now be accomplished in a flash. We are pleased to be in a better position than ever to continue putting out this annual publication.

But this is not all. We suggest that for comprehensive research into our case files and articles and columns you consult not only this index but also the cumulative index to volumes 1–17, the annual index to each of volumes 18–26, and the Legal Services Corporation data base maintained on the Westlaw computer system. In addition you may ask us for free library assistance and EFR (electronic file room) searches of our internal data base. We invite suggestions or comments on ways to improve the annual index.

National Clearinghouse for Legal Services

How to Use This Index

This index is divided into two parts: (1) articles and columns and (2) case developments and advance sheet highlights. Part one is indexed by author and by topic. Part two is indexed by topic and by case name (case table).

The author index to the articles and columns lists articles and columns by author name. The topical index to the articles and columns lists them by topic,❶ cites the author's name,❷ and presents a short summary of each article and column.❸

The topical index to the case developments and advance sheet highlights classifies all cases reported in the "case developments" and "advance sheet highlights" sections of the CLEARINGHOUSE REVIEW into subject categories. The *see* and *see also* references found under most headings further direct the reader to alternative or related subjects.❹ Under each major heading are subtopics in increasing order of specification.❺

The case table lists alphabetically the names of the cases reported in the "case developments" and "advance sheet highlights" sections of the REVIEW. Case citations, if any, or the dates of decision are shown with the most recent citation last.❻ Most entries have a Clearinghouse number in brackets (refer to this number when requesting copies of pleadings or abstracts of cases from the National Clearinghouse for Legal Services).❼

The page number next to each entry is the first page on which the entry is found in the monthly issue of the REVIEW during the volume year.❽ Consult the information on the inside front and back covers of this index for the monthly issue in which this page number is found.

Health ❶

Discharge Planning: Still No Federal Action
by Alfred Chiplin ❷

This column updates what is happening in the area of discharge planning under the Medicare statute, explains patients' rights to such planning, and offers tips that advocates can relay to their Medicare clients who anticipate hospitalization. ❸

459

Illegitimate Children

See also Dependent and Neglected Children, Domestic Relations ❹

Child Support ❺

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Attorneys/Legal Services

"Access" Issues in the Supreme Court's 1992 Term

by Laurie Davison, Gill Deford, Matthew Diller, Shelley Jackson, and Brian Lawlor

During its 1992 term, the Supreme Court decided a number of cases that affect low-income people's access to the federal courts, including cases concerning attorney fees, standing, and retroactive application of federal statutes. This article summarizes the decisions and gives a brief overview of the access issues that may arise in the Court's 1993 term.

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Alliances and Coalitions: Building Associations for Mutual Benefit

by Jane Hardin

If legal services advocates want to participate in broad, meaningful social change, they must be part of broad community coalitions and alliances; this article discusses coalitions with the private bar, state and local government officials, and community organizations.

766

How the Clearinghouse Can Help You in Your Legal Services Practice: Guide to Clearinghouse Services

by the National Clearinghouse for Legal Services

The National Clearinghouse for Legal Services (NCLS) serves advocates by gathering and disseminating poverty law information. This article outlines the services NCLS provides, including the Clearinghouse Review, an extensive library of case files and publications, computer-assisted legal research, and library reference services.

781

Linking Children, Youth, and Families' Strategists: HandsNet's Latest Initiative

by Jan Sola

This brief column outlines HandsNet's new Children, Youth, and Families Initiative, which contains four forums for sharing information on the complex needs of families and children.

1469

Race and Poverty: A New Focus for Legal Services

by john a. powell

The urban minority poor face numerous barriers to economic and social advancement that are unique to their situation. This article examines those barriers and urges the legal services community to recognize, and develop strategies specially tailored to meet, the special needs of this group.

299

Reflections from the Bottom of the Well: Racial Bias in the Provision of Legal Services to the Poor

by Paul E. Lee and Mary M. Lee

Some clients and advocates of color feel that white-controlled legal services programs have avoided meaningful input by and power sharing with clients, have excluded advocates of color from the management and decision-making ranks, and have clung to outmoded advocacy strategies and service delivery methods—all of which have fostered racism in the legal services structure. This article discusses how the policymaking bodies in legal services have failed to address this problem.

311

Regional Training Centers: Advocates for Professional Development in Legal Services

by Judith Rausch

This article describes the Legal Services Corporation–established regional training centers, which provide training and support services to legal services advocates.

783

Senior Attorney Volunteers: A Resource for Legal Services Programs

by Stephanie Edelstein and Jan May

An untapped resource for pro bono attorneys is retired or semiretired attorneys. This article suggests how to recruit senior attorney volunteers and describes the types of contributions that they can make to programs serving low-income clients.

619

State Support: A Self-Portrait

by Jamie Odle Hamon

State support centers act as communication coordinators, legal counsel, information and education brokers, legislative and administrative advocates, and sounding boards for field program staff, pro bono attorneys, and clients in their states. This article illustrates the role of state support in delivering high-quality legal services to low-income people.

786

Ten Admonitions for Legal Services Advocates Contemplating Federal Litigation

by Judge Patricia M. Wald

In December 1992, Judge Patricia M. Wald spoke at a federal litigation training for legal services attorneys in Chevy Chase, Maryland; these are her remarks.

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You Are Too Kind: Women Lawyers in Legal Services

by Kelly A. Miller

Why are women attorneys drawn to legal services? Are women in this public-interest profession subject to gender inequities? A four-page questionnaire seeks reader input on these and other issues concerning women in legal services.

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Consumer

Consumer Law for the New Legal Services Practitioner

by the National Consumer Law Center

This article describes state and federal consumer protection legislation and offers a guide for analyzing credit transactions.

727

Preventing Foreclosures: Spotting Loan Scams Involving Low-Income Homeowners

by Gary Klein

At least half of the foreclosures in the last three years were caused or expedited by home equity loans; this column discusses how to identify a loan that may involve unfair lending practices and how to defend against foreclosure of problem loans.

116

Race, Poverty, and Lending

by James Head and Kelly Mogle

Studies have shown that minorities are denied mortgage and small business loans more often than similarly situated whites. This article looks at several mortgage lending practices and how they affect minority communities. It also discusses the Community Reinvestment Act and offers solutions to remedy the impact of these discriminatory lending practices.

353

Reverse Mortgages: Mandatory Counseling and Other Protections for the Elderly Homeowner

by the National Consumer Law Center

This article examines the reverse mortgage and the safeguards necessary to protect elderly homeowners considering its use.

622

Some of the Poor Pay Even More: Is There a "Discrimination Tax" in the Marketplace?

by Kathleen Keest

Poor people who are also racial minorities pay even more for credit and for goods and services than the nonminority poor; this article describes some studies of this phenomenon and possible legal remedies.

365

The Use of Consumer Credit Reports in Assessing Residential Utility Customers' Creditworthiness

by Roger D. Colton

An increasing number of utilities are seeking regulatory permission to use consumer credit reports in assessing the creditworthiness of potential or existing customers. This article argues that credit reports based on nonutility transactions are not useful in determining a household's likelihood of paying utility bills.

1342

Using State Utility Commission Regulations to Control the "Unregulated" Utility

by Roger D. Colton

This column discusses strategies for using Public Utility Commission regulations to establish service protections for customers of "unregulated" utilities.

443

Utility Demand-Side Management and Low-Income Customers

by the National Consumer Law Center

Utility customers, utility regulators, and utilities have recognized that maximizing efficient use of energy saves money for everyone. This column examines programs that help customers install efficiency measures, called demand-side management (DSM), and suggests ways for advocates to analyze various DSM proposals.

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Disability

Court Access Under the Americans with Disabilities Act: Recent Developments

by Erica F. Wood

Court access encompasses a broad array of issues, including planning accommodations in new judicial facilities, adding ramps to existing facilities, revising court forms, restructuring jury boxes, and training judges and court personnel. This article summarizes recent developments in three areas of court access under the Americans with Disabilities Act: architectural guidelines for new facilities, enforcement of guidelines for existing facilities, and action by interdisciplinary state court access committees.

616

Medical Treatment Rights of Older Persons and Persons with Disabilities: 1992–93 Developments and Emerging Trends

by Daniel Avila

This article reviews legal developments, including case developments regarding medical decisionmaking, assisted suicide, and the impact of health care reform, concerning the medical treatment rights of older persons and persons with disabilities.

1105

Using Titles II and III of the Americans with Disabilities Act as Part of a Legal Services Practice

by Patricia DeMichele and Vicki Gottlich

The Americans with Disabilities Act may be used to address a wide range of problems experienced by legal services clients. This article explores such possible applications.

1099

Domestic Relations

Annual Review of Family Law

by the National Center on Women and Family Law

This article highlights recent developments in family law, particularly in the areas of battered women's issues, custody, and child support. It also covers some important issues and cases affecting parents' rights in the area of adoption and state intervention.

1055

Using the Law to Protect Battered Women and Their Children

by Joan Zorza

This article discusses legal remedies available to battered women and their children in custody cases, describes outcomes of domestic abuse cases and orders of protection, and explains criminal actions that may be taken against batterers.

1437

Economic Development

Enterprise Zones: Not Perfect, But Full of Potential

by the National Economic Development and Law Center

Enterprise zones are essentially geographically defined areas within an economically depressed community in which incentives are offered to businesses to stimulate the local depressed economy. This article examines how enterprise zone programs can be designed to address the concern of poor residents from the perspective of community economic development.

1016

Making Section 3 Work: Employment, Training and Job Opportunities for Low-Income People

by Brad Caftel and Arthur Haywood

Section 3 of the Housing and Community Development Act of 1968 targets low-income people for all employment, training, and contracting opportunities sponsored and funded by HUD. Few advocates are aware of Section 3, however, and few efforts have been made by HUD to enforce it. This column examines the revised 1992 version of Section 3 and how it can be used to provide economic opportunities for low-income people.

1336

Preserving and Expanding the Rights of the Poor in Communities Where Military Bases Are Closing

by Lauren Hallinan

Military base closures and realignment offer great opportunities for creating shelter and employment for homeless and low-income clients. This article provides an overview of the law governing the base closure process and suggests advocacy strategies. It also includes a list of bases subject to closure or realignment.

1184

Serving Clients in New Ways: Community Economic Development

by the National Economic Development & Law Center

Legal services programs are beginning to look at nontraditional ways to serve their low-income clients. *CED on the Job* explains community economic development and how it can be worked into your daily legal services practice. The second part of the article, *Redefining Success Beyond the Body Count*, describes the community economic development projects that one legal services practitioner has implemented in her office.

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Education

A Comprehensive Approach to the Issue of Disparate Special Education Placement Rates of African American and National-Origin Minority Youth

by Robert Pressman

African American and national-origin minority youth are labelled as having disabilities and

placed in separate classes at higher rates than white pupils. This article examines this disparity and the need, as well as the strategies, for eliminating misclassifications. It also suggests ways to implement more fully the Individuals with Disabilities Education Act's core requirement that students with disabilities be educated in regular classes as much as possible.

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Educational Goals 2000 for Students from Low-Income Families

by the Center for Law and Education

The Goals 2000: Educate America Act is expected to be passed into law in early 1994. This article examines four of the Act's six identified goals, which focus primarily on improving educational outcomes for young children and members of low-income families.

1306

The Role of Education Law in the Practice of Poverty Law

by Maura J. Kelly

Education law can have a meaningful effect on the lives of low-income clients, and expanding the field of legal services clients to include children who are deprived of educational opportunities is necessary. This article explains how various legal services programs have undertaken education advocacy in the course of their everyday practice.

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Employment

Introduction to Employment Discrimination Law

by Patricia A. Bailey and Maria Master

Discrimination in the workplace is a complex area of employment law involving a broad range of impermissible practices. This article briefly describes the major federal civil rights statutes.

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Opportunities for Legal Services Advocacy on Jobs, Employment, Education, and Training Issues

by Irv Ackelsberg, Barbara Bonifas, Brad Caftel, Maurice Emsellem, Bristow Hardin, James Head, Mary Ellen Hombs, Elizabeth Imholz, Steve Savner, and Paul Weckstein

The lack of employment opportunities paying a livable wage is one of the major problems plaguing low-income people. This article identifies important economic developments limiting clients' employment opportunities, presents strategies for advocacy in this area, and highlights some of the initiative advocates have undertaken to coordinate work in this area.

983

Food Programs

Introduction to the Food Stamp Program

by Carrie M. Lewis

This article provides an introduction to the Food Stamp Program, including its application process, eligibility rules, income and benefit calculations, and overissuance and fraud

718

Recent Developments in the Food Stamp Program

by Carrie M. Lewis

Passage of the Mickey Leland Childhood Hunger Relief Act in 1993 made many prorecipient changes in the Food Stamp Program. This article briefly describes these changes, summarizes several recent court decisions favorable to clients, and makes some predictions regarding the Food Stamp Program.

1050

Government/Governmental Services

Strategies for Taxing Times

by Jim St. George, Cindy Mann, and Iris J. Lav

Advocates need to increase state tax activism on behalf of low-income people to counterbalance drastic budget cuts in federal public assistance programs. This article describes how tax policy directly and indirectly affects clients and explains why policymakers must modernize their revenue systems in order to eliminate the chronic revenue shortfalls that lead to program cuts.

1025

Handicapped Persons

See Disability

Health

The Americans with Disabilities Act and Reductions in Health Benefits

by Patricia DeMichele, Vicki Gottlich, Joan Bennett, Zita Dresner, and Dorothy Siemon

This article discusses the application of the Americans with Disabilities Act to reductions in private employer-sponsored health insurance and state-administered Medicaid program benefits.

606

Discharge Planning: Still No Federal Action

by Alfred Chiplin

This column updates what is happening in the area of discharge planning under the Medicare statute, explains patients' rights to such planning, and offers tips that advocates can relay to their Medicare clients who anticipate hospitalization.

459

Evaluating Health Reform Proposals in the Interest of Children and Adolescents

by Jane Perkins and Abigail English

President Clinton's Task Force on Health Care Reform, headed by Hillary Rodham Clinton, has mobilized a staff of over 500 and worked for over three months developing a proposal for comprehensive health care reform. Members of Congress have also drafted proposals. This article outlines ten benchmarks for advocates to use in analyzing the potential impact of various proposals on children and adolescents.

428

Health Care 1993: An Unprecedented Year

by the National Health Law Program

Health care developments in 1993 were dramatic, including proposed national health care reform, changes in the Medicaid program, growing incidence of AIDS and tuberculosis, increasing awareness of environmental health issues, and developments regarding patients' civil rights.

1076

Just When You Thought You Had Learned the Rules, They Went and Changed Them: OBRA-93 Provisions Concerning Medicaid Transfers of Assets, Treatment of Certain Trusts, and Estate Recoveries

by Patricia Nemore, Mark Regan, and Jane Perkins

The Omnibus Budget Reconciliation Act of 1993 revised various Medicaid provisions on the transfers of assets, trusts, and estate recovery.

1199

Medicaid Eligibility for Married Couples

by Patricia B. Nemore

Married individuals who apply for Medicaid benefits encounter many complicated eligibility issues peculiar to their status as couples. This column discusses these issues and explores ways to retain optimal benefits for married clients.

120

Meeting the Home-Care Needs of Medically Fragile Infants

by Cynthia Dailard and Michele Melden

Medically fragile, drug-exposed infants suffer negative psychological, developmental, and physical effects from prolonged hospitalization. This column explores funding sources for the provision of home nursing care and early intervention services for these children.

213

Network News—Health Advocates Use E-Mail

by Jeanne Finberg and Larry Levin

This month the CLEARINGHOUSE REVIEW introduces "Network News," a new column on the use of HandsNet in legal advocacy. The column will focus on how advocates, administrators, managers, and others have successfully used HandsNet in their poverty law practice. "Network News" will appear in the REVIEW on a recurring basis. In this issue, discover how the National Health Law Program found HandsNet invaluable in completing a whirlwind analysis of the health care reform plan recently proposed by President Clinton.

1214

The Nursing Home Reform Law: The Federal Response

by Toby Edelman

HCFA has been slow to propose regulations under the Nursing Home Reform Law but has finally proposed or published rules for almost all of the areas of the law in which Congress mandated federal action. This column briefly outlines these proposed and final rules.

454

The Omnibus Budget Reconciliation Act of 1993: Some Major Changes in the Medicaid Program

by the National Health Law Program

The Omnibus Budget Reconciliation Act of 1993 makes a number of changes in the Medicaid program, including the creation of a new entitlement to childhood immunizations. This article discusses this immunization program as well as the Act's changes affecting tuberculosis coverage and drug services.

1207

Part H and EPSDT: Helping At-Risk Infants and Toddlers

by Tina E. Shanahan and Lynn E. Cunningham

Advocates can steer families of children with disabilities to help under two recently expanded federal programs—Part H of the Individuals with Disabilities Education Act and the Early and Periodic, Screening, Diagnosis, and Treatment Program.

2

Protecting Patients Against Improper Discharge from Hospitals

by the National Health Law Program

Each year, more than 33 million people receive inpatient services from hospitals in the United States. As hospital care has become more costly and insurers have sought ways to reduce their expenditures, complaints of improper discharges have also increased. This article examines approaches advocates may employ to oppose improper hospital discharges.

101

Race Discrimination in America's Health Care System

by Jane Perkins

Health care delivery in America remains segregated according to race and class; this article reviews racial disparities in health status and access to care, discusses the lack of race-based data on the use of health care services, suggests legal strategies for addressing racial inequities in the delivery of health care, and proposes measures to ameliorate discrimination.

371

Housing

Advocacy to End Homelessness: New Initiatives for Social Equity

by Mary Ellen Hombs, Steven F. Banks, Don Manning, Barbara Sard, and David Sciarra

New approaches to homelessness must reflect the link between homelessness and poverty and address new and complex concerns, including HIV/AIDS, resurgent tuberculosis, and epidemic drug use. This article describes developments in federal policy, right-to-shelter advocacy, permanent housing, and child welfare affecting homeless persons.

1143

Expanding Housing Strategies: The Story of One Network of Advocates

by the National Housing Law Project

This article describes the history of the Loose Association of Legal Services Housing Advocates and Clients, a national network of legal services housing advocates and clients, explains what the network accomplished during 1993 and expects to accomplish in the immediate future, and examines some of the obstacles it must overcome to achieve its goals for effective advocacy.

1134

Housing Mobility and Life Opportunities

by Florence Wagman Roisman and Hilary Botein

Housing mobility programs enable poor people of color to leave segregated, impoverished, underserved areas for predominantly white neighborhoods with better facilities and resources. Housing mobility has been remarkably successful in enabling people to improve their lives. This article reviews the value of housing mobility, the nature of existing housing mobility programs, and ways in which advocates can participate in creating and implementing these programs.

335

Immigration

Legal Needs and Barriers: The Case for Supporting Representation of Aliens

by Richard A. Irwin

A generous immigration policy does not necessarily guarantee that aliens living in the United States have access to full participation in U.S. society. Their problems are exacerbated by language and cultural differences. This article explains who comprise the alien population in the United States, what their unique problems are, and how legal services advocates can assist them with their legal needs.

193

Juveniles

Youth Law Developments in 1993

by the National Center for Youth Law

Developments in youth law in 1993 include passage of new federal child welfare legislation, continued litigation on child welfare issues, and increased opportunities for successful administrative advocacy for families with children.

1065

Landlord/Tenant

Deadbeat Landlords: A Tenant's Right to Utilities When Landlord Files Bankruptcy

by Gary Klein and Joanna George

This column identifies the common issues that arise when a tenant's utilities are terminated because the tenant's landlord has filed a bankruptcy petition. It also discusses how the tenant can ensure the maintenance of utilities during the bankruptcy proceedings and how to collect damages.

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Mental Health

Mental Disability Law in 1993

by the Judge David L. Bazelon Center for Mental Health Law

This article discusses major developments in mental health law in 1993, including decisions advancing the civil rights of persons with mental disabilities, improved standards for mental health systems, the implications of the Americans with Disabilities Act for the treatment of persons with mental disabilities, and the new mental health program for children.

1322

What Preadmission Screening and Annual Resident Review Means for Older People with Mental Illness

by Beth Pepper and Deborah P. Rubenstein

The Preadmission Screening and Annual Resident Review seeks to move people with mental disabilities out of nursing homes and into community-based settings. However, it has thus far been poorly implemented.

1447

Migrants

Farmworker Law Developments

by the Migrant Legal Action Program

This article discusses legal developments, in 1993, affecting migrant farmworkers. Areas addressed include the Migrant and Seasonal Agricultural Worker Protection Act, the Temporary Foreign Agricultural Worker Program (H-2A), the Fair Labor Standards Act, pesticide regulation and occupational health, migrant housing, and education for migrant children.

1122

Native Americans

Boller v. Key Bank:* An Alarming Use of *Brendale v. Yakima

by Andrew W. Baldwin

The Wyoming Supreme Court, in *Boller v. Key Bank*, recently expanded the scope of exclusive state jurisdiction over foreclosures of Indian lands. This article examines the flaws in Boller's analysis, particularly the court's misinterpretation and misapplication of the U.S. Supreme Court decision in *Brendale v. Confederated Tribes and Bands of Yakima Indian Nation*.

884

Building Strong, Stable Indian Communities Through the Indian Child Welfare Act

by Patrice Kunesh

For centuries, Indian children were removed from their Native American homes by state courts and welfare agencies at a rate overwhelmingly disproportionate to their non-Indian counterparts. This article discusses that historic abuse and the landmark legislation enacted in response, the Indian Child Welfare Act.

753

The Indian Child Welfare Act: In the Best Interests of the Child and Tribe

by Robert J. McCarthy

Although the U.S. Supreme Court has held that Indian preference placement is one of the most important substantive requirements of the Indian Child Welfare Act (ICWA), state courts have not been responding to this need. This article reviews the ICWA's major provisions, explores some of the court-made exceptions to the Act, and explains why advocates should seek judicial and administrative extension of the ICWA.

864

Jail Conditions on the Navajo Nation: A Case Study

by James S. Manlowe, Jr., Susan Warren, and Thomas J. Holgate

Navajo inmates, confined to jails on their reservations, challenged the deplorable conditions of confinement and obtained a consent decree that would improve jail conditions. This article describes how the case of *Silver v. Pabe* was responsible for these changes.

891

"Like Pinning Fog to a Wall"—Emerging Issues in Indian Health Care: How Ongoing Indian Health Care Reform Will Mesh with the Clinton Administration's National Health Care Reform Agenda

by Steven C. Moore and Catherine E. Wilson

This article examines the United States' special obligation to provide health services to Native Americans and how it may be affected by the current movement for national health care reform.

854

Prodigal Son: The "Existing Indian Family" Exception to the Indian Child Welfare Act

by C. Steven Hager

The existing Indian family exception seeks to limit application of the Indian Child Welfare Act to children who are living in an "Indian" family; this article examines state courts' response to the Supreme Court's decision in *Mississippi Band of Choctaw Indians v. Holyfield,* which implicitly overruled the exception.

874

The Reawakening of Sacred Justice

by Diane LeResche

This article explores the revitalization of Native Americans' traditional peacemaking ways.

893

Public Utilities/Energy

Consumer and Energy Law in 1993 and Beyond

by the National Consumer Law Center

Generally, 1993 was a year of expansion of consumer rights, particularly regarding low-income utility rates and energy conservation measures. There were also several low points, including the Supreme Court's blow to debtors' efforts to save their homes through bankruptcy, and LIHEAP's funding may be in jeopardy. This article highlights consumer and energy developments this past year.

1035

Senior Citizens

Board and Care: How Effective Are Licensing Standards?

by Michael Schuster

Countless numbers of at-risk elderly individuals and individuals with disabilities live in board and care homes. This article discusses the concept of board and care, including the difficulties states have regulating and monitoring facilities, and offers some recommendations for improving the situation.

600

Kinship Care: The Legal Problems of Grandparents and Other Relative Care Givers

by Naomi Karp

"Kinship care" givers face numerous law-related problems, including lack of legal authority with respect to children in their care, inadequate public benefits, and housing problems.

585

The Law of the Elderly Poor in 1993

by the National Senior Citizens Law Center

This article reviews various court decisions and pieces of legislation and regulations enacted during 1993 that will have an impact on the rights of the elderly poor. Topics

discussed include age discrimination, elderly housing, ERISA, the Older Americans Act, the Americans with Disabilities Act, Medicaid, Medicare, and social security and SSI issues.

1086

Public Guardianship: Where Is It and What Does It Need?

by Dorothy Siemon, Sally Balch Hurme, and Charles P. Sabatino

The precise definition of public guardian varies from state to state. This article examines the laws in every state to ascertain the status of public guardianship in the United States, and it outlines five basic models for providing public guardianship services.

588

Three Issues Still Remaining in Guardianship Reform

by Lori A. Stiegel, DaCosta R. Mason, Dwayne Morris, Vicki Gottlich, and Michael Rave

Three issues remain in guardianship reform: (1) the use of durable powers of attorney as an alternative to guardianship; (2) a respondent's right to be present at the guardianship hearing; and (3) the role counsel should play in guardianship proceedings. This article discusses what progress has been made in these areas since guardianship reform was proposed in 1987.

577

Social Security/SSI

Defining and Addressing ALJ Bias and Unfitness in the Social Security System

by Ethel Zelenske and David S. Udell

Social security disability, SSI, and Medicare claimants are entitled to hearings before unbiased decisionmakers. This column describes the problem of ALJ bias and unfitness and the degree to which current procedures address the problem.

1456

How the Failure to Pay Social Security Taxes Impoverishes Older Women

by Ethel Zelenske

Many domestic workers who are retired or disabled—as well as their dependents or survivors—do not receive the full social security benefits to which they are entitled because of their employers' failure to pay social security taxes.

571

Treating Physician Evidence in Social Security Disability Cases: What Does the Future Hold?

by Ethel Zelenske

In 1991, SSA issued new regulations describing the weight to be given to medical evidence in disability cases. This column outlines the "treating physician evidence" rule and compares the rule with current law in certain circuits.

31

Taxation

Tax Benefits for the Working Poor

by Michael A. O'Connor

Tax benefits available to the working poor have been underutilized. Legal services programs can greatly help their client population draw on this source of credit.

1331

Unemployment Compensation

Unemployment Insurance: Responding to the Expanding Role of Women in the Work Force

by Richard McHugh and Ingrid Kock

The expanding role of women in the work force has not met with a systematic or sympathetic response from the unemployment insurance system; this article surveys statutory and case law developments with respect to

availability for work and voluntary leavings as they affect women workers.

1422

Veterans/Military

Congress Extends EAJA to Proceedings Before the U.S. Court of Veterans Appeals

by the National Veterans Legal Services Project

EAJA fees may now be collected by representatives appearing before the Court of Veterans Appeals. This column explains the Act's provisions and Rule 39's procedures that veterans' advocates must be familiar with in order to collect these attorney fees.

127

Veterans' Law Developments

by the National Veterans Legal Services Project

The Court of Veterans Appeals has been actively reforming how VA decides claims for veterans' benefits. This article examines the latest case law and statutory developments in veterans' law.

1113

Welfare

AFDC Program Rules for Advocates: An Overview

by Adele M. Blong and Timothy J. Casey

This article summarizes the basic rules of the AFDC program as in effect in June 1993. The Center for Social Welfare Policy and Law, which distributes a variety of materials on welfare issues, is available to assist advocates representing AFDC claimants

1164

Child Support Guidelines: A Primer

by Nancy S. Erickson

This article provides an overview of child support guidelines, including the concerns that led to their promulgation, and the basic theories behind their differing types.

734

Jobless, Penniless, Often Homeless: State General Assistance Cuts Leave "Employables" Struggling for Survival

by Sandra Hauser

Tens of thousands of individuals have been left homeless, hungry, or sick, as states have slashed their GA programs. This column summarizes the effects of recent state GA cuts on "employable" persons.

1460

The Use of Electronic Benefit Transfer Systems to Deliver Federal and State Assistance Benefits

by Barbara Leyser and Adele M. Blong

Electronic benefit transfer systems offer the potential of improved service to most recipients of public benefits; however, careful development of the design, implementation, and operation of such systems is critical to maximize the benefits and minimize the harms to recipients.

406

Welfare in 1994: Inadequate Benefits, Time Limits, and Arbitrary Administration?

by the Center on Social Welfare Policy and Law

This article discusses 1993 welfare reform developments and initiatives in 1994, especially in the areas of income adequacy; employment, mandatory work-related requirements, and benefit-receipt time limits; and improvements in the eligibility determination process.

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Case Developments & Advance Sheet Highlights

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This is a listing by topic of cases that appeared in the CLEARINGHOUSE REVIEW for the period covered by this annual index (vol. 27, nos. 1–12, May 1993–April 1994). The numbers in brackets (such as [49,384]) are Clearinghouse numbers and must appear on all document reprint requests. Cases without such numbers were reported in the "Advance Sheet Highlights" section of volume 27 of the REVIEW.

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